

# House Study Bill 181 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CHAIRPERSON KAUFMANN)

## A BILL FOR

1 An Act relating to the determination and challenge of eminent  
2 domain authority and proceedings and including effective  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6A.24, subsection 2, Code 2015, is  
2 amended to read as follows:

3 2. a. An acquiring agency that proposes to acquire property  
4 by eminent domain may file a petition in district court seeking  
5 a determination and declaration that its finding of public use,  
6 public purpose, or public improvement necessary to support  
7 the taking meets the definition of those terms. The action  
8 shall be commenced by the filing of a petition identifying all  
9 property owners whose property is proposed to be acquired, any  
10 contract purchaser of record of the property, and any tenant  
11 known to be occupying the property, and including a description  
12 of the properties proposed to be acquired and a statement  
13 of the public use, public purpose, or public improvement  
14 supporting the acquisition of the property by eminent domain.  
15 The original notice shall be served as required by the rules of  
16 civil procedure on each property owner named in the petition  
17 and on any contract purchaser of record of the property and  
18 on any tenant occupying the property under a recorded lease.  
19 Such action may be commenced by an acquiring agency at any time  
20 prior to the filing of an application for condemnation pursuant  
21 to section 6B.3.

22 b. If an acquiring agency files a petition under paragraph  
23 "a" on or after the effective date of this Act, all other  
24 pending eminent domain proceedings related to the public  
25 improvement that is the subject of the petition, and for  
26 which an application for condemnation has been filed under  
27 section 6B.3, shall be suspended until the district court's  
28 determination and declaration have been made and all applicable  
29 appeals have concluded. During the period of suspension,  
30 all time limits and deadlines relating to the suspended  
31 condemnation proceedings shall be tolled.

32 Sec. 2. Section 6B.3A, Code 2015, is amended to read as  
33 follows:

34 **6B.3A Challenge by owner.**

35 1. An owner of property described in an application for

1 condemnation may bring an action to challenge the exercise of  
2 eminent domain authority or the condemnation proceedings in the  
3 district court of the county in which the private property is  
4 situated as provided in section 6A.24.

5 2. If an owner challenges the exercise of eminent domain  
6 authority or the condemnation proceedings under subsection  
7 1 on or after the effective date of this Act, all other  
8 pending eminent domain proceedings related to the public  
9 improvement that is the subject of the petition, and for which  
10 an application for condemnation has been filed under section  
11 6B.3, shall be suspended until the challenge and all applicable  
12 appeals have concluded. During the period of suspension,  
13 all time limits and deadlines relating to the suspended  
14 condemnation proceedings shall be tolled.

15 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 Current Code section 6A.24 authorizes an acquiring agency to  
21 file a petition in district court seeking a determination and  
22 declaration that the acquiring agency's finding of public use,  
23 public purpose, or public improvement necessary to support a  
24 taking by eminent domain meets the definition of those terms.  
25 Additionally, current Code section 6B.3A authorizes an owner of  
26 property described in an application for condemnation to bring  
27 an action to challenge the exercise of eminent domain authority  
28 or the condemnation proceedings in district court under the  
29 provisions of Code section 6A.24.

30 This bill provides that if an acquiring agency files a  
31 petition seeking a declaration and determination from the  
32 district court or an owner challenges the exercise of eminent  
33 domain authority or the condemnation proceedings on or after  
34 the effective date of the bill, all other pending eminent  
35 domain proceedings related to the public improvement that is

1 the subject of the petition, and for which an application  
2 has been filed under Code section 6B.3, shall be suspended  
3 until the district court's determination and declaration have  
4 been made or the challenge and all applicable appeals have  
5 concluded, as applicable. During the period of suspension,  
6 all time limits and deadlines relating to the suspended  
7 condemnation proceedings shall be tolled.

8 The bill takes effect upon enactment.